



Serial No.: 09/763,239
Confirmation No.: 5401
Applicant: Carl K. Smith et al.
Atty. Ref.: 11836.0704.NPUS01

REMARKS REGARDING THE CLAIMS:

A clean copy of Claims 14-19 were provided at the request of the Examiner in response to the April 22, 2003 Office Action. In that response only the underlining and brackets from the preliminary amendment were removed.

The present revised response includes canceled claims 1-11, and previously presented claims 12-21. No amendments to the claims have been made by this paper.

The claims are submitted as being clearly distinct and patentable over the art of record and therefore their entry and allowance by the Examiner is requested.

IN RESPONSE TO THE OFFICE ACTION OF APRIL 22, 2003:

OBJECTION UNDER RULE 1.121:

Claims 14-19 were objected to under Rule 1.121 for not being in clean form as presented in the preliminary amendment. Above, Applicants provide in clean form the claims presented in the preliminary amendment. No amendments to the claims have been made in this paper. Thus the previous objection has been obviated by the Applicants' response above.

Applicants ask that the Examiner reconsider and withdraw the objection.

IN RESPONSE TO THE NOTICE OF NON-COMPLIANT AMENDMENT OF JULY 31, 2003:

In the present paper, the undersigned has presented a complete set of the claims in compliance with the provisions of Rule 121 applicable to papers filed after July 30, 2003. This has been done so as to expedite the issuance of the present application. Applicant submits that the paper submitted on July 22, 2003 was fully compliant with the provisions of Rule 121 then in effect and thus the issuance of the Notice of Non-Compliant Amendment was unwarranted.

Applicants ask that the Examiner reconsider and withdraw the Notice of Non-Compliant Amendment to the extent that it may adversely affect any patent term adjustment the Applicants may be entitled to.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 01-2508, referencing Order No. 11836.0704.NPUS01.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.



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Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Carter J. White".

Carter J. White, Ph.D.

Patent Attorney

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Date: 8 - 13 - 03